

November 14, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

TERRY LATHAM,

Plaintiff - Appellant,

v.

No. 11-2217

BOARD OF EDUCATION OF THE
ALBUQUERQUE PUBLIC SCHOOLS,

Defendant - Appellee.

ORDER

“Appellant’s Unopposed Motion” asks this court to “treat the dismissal of her retaliation claim as having been with prejudice” despite the fact that there is a district court stipulation in place expressly stating that the dismissal is without prejudice to refile the claim at some later date. Docs. 68, 69. If the parties wish to enter into a new stipulation of dismissal with prejudice and enter that stipulation of record in the district court, this court would be agreeable to that means of creating finality for purposes of an appeal.

The court extends the deadline for responding to its order of November 9, 2011 until November 30, 2011 and adds a third option to that order: the parties may file in the

district court a stipulation of dismissal of all remaining claims with prejudice and then notify this court in writing of the dismissal. The “Appellant’s Unopposed Motion” is otherwise denied.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in dark ink, appearing to read "D. Cressler", with a stylized flourish at the end.

by:
Douglas E. Cressler,
Chief Deputy Clerk